

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

FALON EVANS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Nos. 1:13-CV-82-HSM
	)	1:09-CR-98-HSM-CHS-11
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This is a pro se prisoner's motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255. On March 24, 2016, the Court denied the § 2255 motion and dismissed this action with prejudice [Docs. 769 and 770]. On August 22, 2016, Plaintiff filed a notice of appeal in which she asserts that she did not receive the Court's judgment denying and dismissing his § 2255 motion until August 10, 2016 [Doc. 784]. In support thereof, she attached a letter from an attorney dated August 10, 2016, stating that a copy of the memorandum and order and judgment in the case were enclosed per her request [*Id.* at 11]. Accordingly, the Sixth Circuit remanded the case to this Court for a determination of whether the notice of appeal and the attached letter should be treated as a motion to reopen the period of time for filing an appeal pursuant to Rule 4(a)(6) and, if appropriate, for a ruling thereon [Doc. 786].

As pro se filings are liberally construed, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), the Court finds that Petitioner's notice of appeal and the attached letter should be treated as a motion to reopen the period of time for filing an appeal pursuant to Rule 4(a)(6). For good cause set forth therein, this motion is **GRANTED** to the extent that Petitioner is deemed to have received

notice of the entry of judgment on August 10, 2016, thereby making her notice of appeal filed August 22, 2016 timely.

**IT IS SO ORDERED.**

/s/ Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE